

REMARKS

Claims 1-156 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-3, 8, 12-15, 19-21, 24-26, 28-29, 33-49, 54, 58-59, 61, 65-67, 70-72, 74-75, 79-95, 101, 104-109, 111-113, 116-118, 120-121, 125-139, 143-144, and 148-150 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sampath et al. (U.S. Pat. No. 6,922,445) in view of Edwards et al. (U.S. Pub. No. 2004/0059825). This rejection is respectfully traversed.

With respect to Claim 1, Sampath and Edwards do not at least show, teach or suggest: A) a link adaptation module that adjusts a bandwidth by adjusting a number of channels; and B) a link adaptation module that adjusts a bandwidth by adjusting a number of channels based on a transmission error rate and a correlation measurement at a remote wireless communications device.

The Examiner relies on Sampath for the disclosure of item A. The Examiner states that Sampath discloses the deactivation of channels that do not meet an acceptable threshold. Applicants respectfully disagree. As best understood by Applicants, Sampath discloses the deactivation of antennas that do not meet an acceptable threshold, not the deactivation of channels.

Specifically, in Sampath, signals are transmitted over channels 22A, 22B via antennas 18A, 18B, ..., 18M. The system of Sampath compares quality parameter

values of active antennas with corresponding threshold values. The active antennas that have quality parameter values that meet the corresponding threshold values are maintained in an active state. The active antennas that have quality parameter values that do not meet the corresponding threshold values are deactivated. Regardless of which antennas are active or deactive, signals are transmitted on the channels 22A, 22B. Thus, the channels 22A, 22B remain active. Sampath does not disclose the deactivation of a channel.

The deactivation of an antenna is not the same as the deactivation of a channel. As shown in Sampath, an antenna may be deactivated, while a corresponding channel may remain active. In Sampath, signals are transmitted over the same channel using multiple antennas. See FIG. 1, col. 3, lines 26-28 of the Summary, col. 5, lines 52-56, etc. of Sampath.

Applicant is unable to find disclosure of item A in Edwards. Since Sampath and Edwards do not disclose item A, it necessarily follows that Sampath and Edwards cannot disclose item B.

It is a longstanding rule that to establish a *prima facie* case of obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 143 (CCPA 1974), see MPEP §2143.03.

Therefore, Claim 1 is allowable for at least the above reasons. Claims 25, 47, 71, 93, and 117 are allowable for at least similar reasons as Claim 1. Claims 2-24, 26-46, 48-70, 72-92, 94-116 and 118-156 ultimately depend from Claims 1, 25, 47, 71, 93, and 117 and are allowable for at least similar reasons.

ALLOWABLE SUBJECT MATTER

The Examiner states that Claims 10, 11, 13, 31, 32, 56, 57, 77, 78, 102, 103, 123, 124, 140, 145, and 154-156 would be allowable if rewritten in independent form. Applicant reserves the right to amend the claims into their originally allowable form at a later date if needed. Claims 10, 11, 13, 31, 32, 56, 57, 77, 78, 102, 103, 123, 124, 140, 145, and 154-156 ultimately depend from Claims 1, 25, 47, 71, 93, and 117 and are allowable for at least similar reasons.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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